



W.P.No.16538 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.06.2025

CORAM

THE HONOURABLE MR. JUSTICE M.SUNDAR

and

THE HONOURABLE MR. JUSTICE HEMANT CHANDANGOUDAR

W.P.No.16538 of 2021 and W.M.P.No.17504 of 2021

R. Sridhar

Petitioner

vs.

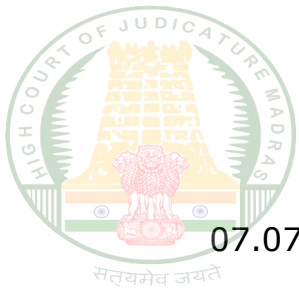
1. The Commissioner
Corporation of Chennai
Ripon Building
Chennai 600 003
2. The DRO/Zonal Officer
Zone-10, Greater Chennai Corporation
No.117, NSK Salai, Kodambakkam
Chennai 600 024
3. A.Nagappan
4. The Tahsildar
Mambalam Taluk
Chennai 600 078

Respondents

(R4 *suo motu* impleaded *vide* order dated 28.02.2023)

Writ Petition filed under Article 226 of the Constitution of India
seeking a writ of certiorari calling for the records of the order passed
by the 2nd respondent in No.Z.O-10/CA.No.3398/2021 dated

Page Nos.1/8



W.P.No.16538 of 2021

07.07.2021 and quash the same.

WEB COPY

For petitioner	Mr. S. Parthasarathy
For RR1 & 2	Mr. G.T. Subramanian Standing Counsel
For R3	Ms. A. Yamuna
For R4	Mr. M.S. Arasakumar Govt. Advocate

ORDER

[made by M.SUNDAR, J.]

In the captioned 'writ petition' [hereinafter 'WP' for the sake of brevity], Mr. S. Parthasarathy, learned counsel on record for writ petitioner, Mr. G.T. Subramanian, learned Standing Counsel for RR 1 and 2, Ms. A. Yamuna, learned counsel for R3 and Mr.M.S.Arasakumar, learned Government Advocate for R4, are before this Court.

2. The legal drill at hand is fairly simple as a 'letter dated 07.07.2021 issued by R2 *inter alia* making a reference to Section 220 read with Section 222 of 'Chennai City Municipal Corporation Act, 1919' [hereinafter 'the CCMC Act' for the sake of brevity]' [hereinafter 'impugned letter' for the sake of brevity] has been called in question on the short point that the impugned letter has been issued without



W.P.No.16538 of 2021

show causing the writ petitioner.

WEB COPY

3. Before we proceed further, we deem it appropriate to make the obtaining legal position clear.

4. The Tamil Nadu Urban Local Bodies Act, 1998, (Tamil Nadu Act 9 of 1999) [hereinafter 'the TNULB Act' for the sake of brevity] kicked in on 13.04.2023. In and by TNULB Act, CCMC Act was repealed *vide* Section 200(1)(a) but things done, made, instituted and executed under the erstwhile CCMC Act stand saved *vide* Section 200(3)(e). Therefore, the impugned letter survives in the light of Section 200(1)(a) read with Section 200(3)(e) of TNULB Act.

5. This Court having set out the obtaining statutory position, proceeds to consider the simple point that writ petitioner has not been show caused. We deem it appropriate to write that it will serve the purpose if the impugned letter is directed to be treated as a 'show cause notice' [hereinafter 'SCN' for the sake of convenience and clarity] under Section 128(1)(b) of TNULB Act. We do so.



W.P.No.16538 of 2021

WEB COPY

6. In the light of the narrative, discussion and dispositive reasoning thus far and statement of obtaining statutory position, the following order is made:

(i) Impugned letter is not set aside but the same shall now be treated as an SCN under Section 128(1)(b) of TNULB Act;

(ii) The SCN under Section 128(1)(b) of TNULB Act shall be construed to have been served on the writ petitioner today (17.06.2025);

(iii) The above means that the writ petitioner/noticee can send a response/ representation to SCN within fifteen days from today *i.e.*, on or before 02.07.2025;

(iv) On writ petitioner sending such a response/representation within the aforementioned timeline, R1 shall pass 'final orders' *vide* proviso to Section 128(1)(b) of TNULB Act, of course, after affording an opportunity to R3 (private respondent);

(v) If the final orders to be passed by R1 ends up in favour of the writ petitioner, that would be curtains on



W.P.No.16538 of 2021

the matter;

WEB COPY

(vi) If it happens to the contrary, in other words, if the final orders to be passed by R1 are going to be adverse to the writ petitioner, the same shall be kept in abeyance for a fortnight from the date of service of the final orders on the writ petitioner so as to provide a window to the writ petitioner to assail the said order if permissible in law or to seek judicial review of the said order;

(vii) If the writ petitioner does not take recourse to either of the aforesaid two options within a fortnight from the date of service of the final orders, the final orders so passed by R1 will be resuscitated and put into motion;

(viii) If the writ petitioner does not send a response/representation to SCN within aforementioned timeline, impugned letter will rescind to its form as issued and it will be open to R1 to proceed further in accordance with the same; and

(ix) Though obvious, we make it clear that coercive action, if any, shall be subject to and depending on final orders to be made by R1 under proviso to Section 128(1)(b) of TNULB Act.



W.P.No.16538 of 2021

WEB COPY

7. Captioned main WP stands disposed of in the aforesaid manner with the aforesaid observations and directives. As we have made it clear that coercive action, if any, shall be subject to and depending on 'final orders' of R1 under proviso to Section 128(1)(b), captioned WMP becomes otiose and the same is closed. There shall be no order as to costs.

(M.S., J.) (H.C., J.)
17.06.2025

cad



W.P.No.16538 of 2021

WEB COPY

To

1. The Commissioner
Corporation of Chennai
Ripon Building
Chennai 600 003
2. The DRO/Zonal Officer
Zone-10, Greater Chennai Corporation
No.117, NSK Salai, Kodambakkam
Chennai 600 024
3. The Tahsildar
Mambalam Taluk
Chennai 600 078



WEB COPY



W.P.No.16538 of 2021

M.SUNDAR, J.

and

HEMANT CHANDANGOUDAR, J.

cad

W.P.No.16538 of 2021

17.06.2025

Page Nos.8/8